

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. James Junior Batts

Docket No. 7:11-CR-91-1BO

Petition for Action on Supervised Release

COMES NOW Kristyn Super, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Junior Batts, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess with Intent to Distribute 28 Grams or More of Cocaine Base (Crack), in violation of 21 U.S.C. § 846, Distribution of a Quantity of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), Distribution of 28 Grams or More of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), and Possession with Intent to Distribute 28 Grams or More of Cocaine Base (Crack) and Aiding and Abetting, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on January 13, 2012, to the custody of the Bureau of Prisons for a term of 84 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 48 months.

On January 21, 2015, the defendant's motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) was granted and the previously imposed sentence of imprisonment was reduced to 70 months, effective November 1, 2015.

James Junior Batts was released from custody on May 11, 2016, at which time the term of supervised release commenced.

On July 20, 2016, a Petition for Action on Supervised Release was submitted to the court requesting that the conditions of supervision be modified to include substance abuse treatment and testing.

On July 22, 2016, a Petition for Action on Supervised Release was submitted to the court requesting that the conditions of supervision be modified to include a psycho-sexual evaluation by a qualified mental health professional.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 23, 2016, Mr. Batts submitted to a urinalysis screening, which was confirmed as positive for marijuana by Alere Laboratories on September 2, 2016. The defendant admitted to smoking marijuana and signed an admission form to that fact.

As a sanction for the violation conduct, the probation officer recommends that the defendant be placed in the DROPS Program, beginning at the second use level, and that he be confined to the Bureau of Prisons for two days.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Kristyn Super
Kristyn Super
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5104
Executed On: September 13, 2016

ORDER OF THE COURT

Considered and ordered this 17 day of September, 2016, and ordered filed and made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge